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09/765,092	01/17/2001	Alberto Bellotti	1033-2	6127
23869	7590	05/03/2005	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			BAROT, BHARAT	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/765,092

Applicant(s)

BELLOTTI ET AL.

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **RESPONSE TO AMENDMENT**

1. Claims 1-59 remain for further examination.

### **The new grounds of rejection**

2. Applicants' amendments and arguments with respect to claims 1-20 and new claims 21-59 filed on October 21, 2004 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

### **Specification**

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### **Drawings**

4. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### **Claim Objections**

5. Claims 35 and 49-59 are objected to because of the following informalities:
  - a. Claim 35 contains "a said" which is typographical error.
  - b. Claims 49-59 are identified as original set of claims, but these claims are new set of claims; therefore, claims 49-59 are treated as new set of claims in the merit. Appropriate corrections are required.

**Claim Rejections - 35 USC § 112**

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 1-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 46 recite the limitation "said network" claims 1, 5, 12, 14, 46, 51, and 58 recite the limitations "said station or stations". There are insufficient antecedent basis for these limitations in the claims 1, 5, 12, 14, 46, 51, and 58.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

**Claim Rejections - 35 USC § 103(a)**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

9. *Claims 1-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan (U.S. Patent No. 6,717,936) in view of Segur (U.S. Patent No. 6,212,550).*

10. As to claim 1, Srinivasan discloses a computer communication system for communicating among users on an electronic communication network (see abstract; and figures 1-3s) comprising: a communication server (figure 1; and column 3 line 55 to column 4 line 26); a plurality of user accessible stations connected to the network (figures 3a-3b; and column 4 lines 49-58); application software configured to effect transfer of communication between the stations and the communication server (figure 2; column 4 lines 27-48; column 4 line 59 to column 5 line 3; and column 8 lines 29-34); and the application software further including a graphic user interface for indicating communication transfer to at least one of the station (figure 1; and column 3 lines 55-67), and the application software further permitting selective communication modes, the selective communication modes being user selectable through the graphic user interface (figures 5-6; column 5 line 31 to column 6 line 20; and column 8 lines 35-47).

However, Srinivasan does not disclose that the application software further configured to selectively transfer a plurality of messages to one of the stations to at least one of a plurality of users.

Segur discloses a computer communication system for communicating among users on an electronic communication network (see abstract; figure 1; and column 1 line 58 to column 2 line 26) comprising: application software configured to effect transfer of communication between the stations and a communication server (figure 2; and column 2 lines 27-55), and the application software further configured to selectively transfer a plurality of messages to one of the stations to at least one of a plurality of users (figures 4-6; and column 3 lines 3-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Segur as stated above with the computer communication system for communicating among users on an electronic communication network of Srinivasan because it would have improved the network latency by redirecting the transmission counts and time and increased the utilization of the server to improve the message transmission efficiency.

11. As to claim 2, Srinivasan discloses that the communication modes include text, audio, video, voice and combinations thereof (column 4 line 59 to column 5 line 8).

12. As to claim 3, Srinivasan suggests that a server/processor apply the necessary conversion of data from the system user to the PSTN to establish normal voice communication (column 6 lines 10-20).

However, Srinivasan does not explicitly disclose that the application software includes text-to-speech conversion capabilities.

Segur explicitly discloses that the application software includes text-to-speech conversion capabilities (figures 3 and 6; column 2 line 56 to column 3 line 2; and column 3 lines 55-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Segur as stated above with the computer communication system for communicating among users on an electronic communication network of Srinivasan because it would have centralized the multi-format communications and increased the utilization of the server to bring order to the chaos of potential message sources.

13. As to claim 4, Srinivasan discloses that each station supports two-way text, audio, video and voice communication and combinations (column 3 lines 55-67; and column 4 lines 36-48).

14. As to claims 5-6, Srinivasan discloses that the application software is configured to identify users accessing the stations (column 5 line 54 to column 7 line 22) and permit specific user access at each of the plurality of stations (column 7 lines 33-51).

15. As to claim 7, Srinivasan discloses that the communication server connected to the plurality of stations (figures 1-3).

16. As to claims 8-9, Srinivasan discloses that the application software includes server-based software configured to effect communication between the plurality of stations and the communication serve; and operative to effect communication among the plurality of stations (figures 1-3; and column 4 line 27 to column 5 line 16).

17. As to claim 10, Srinivasan discloses that the application software includes station-based software configured to effect communication directly between the plurality of stations (column 5 line 54 to column 6 line 9).

18. As to claim 11, Srinivasan discloses that the station-based software is user configurable (figure 5; and column 5 lines 31-53).

19. As to claims 12-13, Srinivasan discloses that the station-based software includes message indicating capability for providing an indication at the station of receipt of the communication; and wherein the message indicating capability includes graphic and audio indications and combinations (column 6 line 20 to column 7 line 22).

20. As to claims 14-16, they are also rejected for the same reasons set forth to rejecting claims 1-4 above, since claims 14-16 are merely a method of operation for the apparatus defined in the claims 1-4.



21. As to claims 17-18, Srinivasan teaches that selecting one or more the users of the network to whom communication is desired; and selecting one or more the stations to which communication is desired (figure 5; and column 5 lines 31-53).

22. As to claims 19-20, Srinivasan teaches that the transferring step includes: entering the communication data at one of the plurality of stations; and selecting the one or more the users of the network to whom communication is desired and also selecting one or more the stations to which communication is desired (figures 5-6; and column 5 line 31 to column 7 line 22).

23. As to claims 21-28, Srinivasan does not explicitly disclose the claimed limitations of the claims 21-25.

Segur explicitly discloses that the application software is configured to display the currently stored total number and type of messages for each user of the system from any user accessible station; dynamically display messages in one of a plurality of visual modes (figure 4; and column 3 lines 3-23); dynamically track and display user log-on and log-out status from any of the user accessible stations independent of the communications server; define, store and distribute custom standardized messages for transmission from any of the user accessible stations; and automatically construct and transmit custom messages to any one of a plurality of user accessible stations upon the occurrence of a predetermined event (figures 5-6; and column 3 lines 24-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Segur as stated above with the computer communication system for communicating among users on an electronic communication network of Srinivasan because it would have centralized the multi-format communications and increased the utilization of the server to bring order to the chaos of potential message sources.

24. As to claims 26-28, Srinivasan does not explicitly disclose the claimed limitations of the claims 26-28.

Segur explicitly discloses that the application software is configured to transmit and display a message to at least one of a plurality of display ports of the application software, wherein the plurality of display ports include a message receiving window and a message scrolling banner (figure 4; and column 3 lines 3-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Segur as stated above with the computer communication system for communicating among users on an electronic communication network of Srinivasan because it would have centralized the multi-format communications and increased the utilization of the server to bring order to the chaos of potential message sources.

25. As to claims 29-35, Srinivasan discloses that the application software is configured to define and identify the user accessible stations into groups based upon predetermined criteria, wherein the predetermined criteria include physical location and departmental ownership (figure 4; and column 5 lines 11-30); graphically represent the organizational and physical location of the user accessible stations; direct messages to one or more user accessible stations within the groups and a plurality of the user accessible stations based upon more than one group identity (figures 4-6; and column 5 line 11 to column 7 line 22); and dynamically modify the group status of the user accessible stations (figure 7; and column 7 lines 33-51).

26. As to claims 36-38, Srinivasan does not explicitly disclose the claimed limitations of the claims 36-38.

Segur explicitly discloses that the application software is configured to dynamically track the users log-in status for all of the user accessible stations within the computer system; allow a message recipient to acknowledge a received message from the receiving message window and the message-scrolling banner (figures 4-6; and column 3 lines 3-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Segur as stated above with the computer communication system for communicating among users on an electronic communication network of Srinivasan because it would have centralized the multi-

format communications and increased the utilization of the server to bring order to the chaos of potential message sources.

27. As to claims 39-45, Srinivasan does not explicitly disclose the claimed limitations of the claims 39-45.

Segur explicitly discloses that the application software is configured to assign predetermined properties to a messages before transmitting the message, wherein the predetermined properties control how a message is routed, stored, displayed, acknowledged, reply, and deleted (figures 2-6; and column 2 line 27 to column 3 line 65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Segur as stated above with the computer communication system for communicating among users on an electronic communication network of Srinivasan because it would have centralized the multi-format communications and increased the utilization of the server to bring order to the chaos of potential message sources.

28. As to claims 46-47, it is also rejected for the same reasons set forth to rejecting claim 1 above. Additionally, Srinivasan discloses that the application software can run as a client, a server or both from any of the user accessible stations (figures 1-3s and 5; column 3 line 55 to column 5 line 8; and column 5 lines 31-53).

However, Srinivasan does not disclose that the application software is configured to allows any of the user accessible stations to dynamically accept the functionality of a communication server

Segur explicitly discloses that the application software is configured to allow any of the user accessible stations to dynamically accept the functionality of a communication server (figures 1-2; and column 1 line 66 to column 2 line 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Segur as stated above with the computer communication system for communicating among users on an electronic communication network of Srinivasan because it would have increased the data access efficiency and improved the user control to access the server and another user accessible stations.

29. As to claims 48-59, they are also rejected for the same reasons set forth to rejecting claims 2-13 above.

### **Response to Arguments**

30. Applicant's arguments with respect to claims 1-20 filed on October 21, 2004 have been fully considered but they are not deemed to be persuasive and deemed to be moot in view of the new grounds of rejection.

31. In the remarks, the applicant argues that:

**Argument:** The present invention as claimed in amended claim 1 states said application software further configured to selectively transfer a plurality of messages to one of said stations to at least one of a plurality of users. Pepe fails to disclose this feature, and is instead directed to sorting and directing messages to a particular subscriber. Nowhere in Pepe is it disclosed to send a plurality of messages to a plurality of users at a particular station. Accordingly, Pepe fails to disclose the present invention.

**Response:** Applicant's argument is deemed to be moot in view of the new grounds of rejection; therefore, newly cited reference Segur (U. S. Patent No. 6,212,550) discloses a computer communication system for communicating among users on an electronic communication network (see abstract; figure 1; and column 1 line 58 to column 2 line 26) comprising: application software configured to effect transfer of communication between the stations and a communication server (figure 2; and column 2 lines 27-55), and the application software further configured to selectively transfer a plurality of messages to one of the stations to at least one of a plurality of users (figures 4-6; and column 3 lines 3-65). Accordingly, the combination of Srinivasan (U. S. Patent No. 6,717,936) and Segur (U. S. Patent No. 6,212,550) discloses the present invention (see new rejection for the claim 1 in section 10).

32. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **Additional References**

33. The examiner as of general interest cites the following references.

a. Aravamudan et al, U.S. Patent No. 6,301,609.

Aravamudan discloses a system and method relates to the use of instant messaging in conjunction with access to data and communication network channels and modes.

b. Kawaguchi et al, U.S. Patent No. 6,154,782.

Kawaguchi teaches a server switching between communication modes for clients coupled to the server in one-way and two-way communication mode.

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**Contact Information**

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (571) 272-3979. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (571) 272-3978.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

Art Unit 2155

April 19, 2005

  
**BHARAT BAROT**  
**PRIMARY EXAMINER**